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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,653	12/28/2000	James A. Jackson JR.	VAL-501-A	6984

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EXAMINER

LUU, THANH X

ART UNIT	PAPER NUMBER
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2878

DATE MAILED: 05/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/750,653

Applicant(s)

JACKSON, JAMES A.

Examiner

Thanh X Luu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 06 April 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: .

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

### ***Drawings***

2. The corrected or substitute drawings were received on April 9, 2001. These drawings are approved. Examiner, however, notes that in Figure 3, reference number 18 is missing from the box 36.

### ***Claim Objections***

3. Claim 17 is objected to because of the following informalities:  
  
In claim 17, "the sensed conditions" lacks proper antecedent basis.  
  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claims 1, 11 and 17, it is unclear in its given context how sensing the presence of moisture is functionally related to the signal corresponding to sensed conditions and ambient light conditions. Also, how does the sensor detect an ambient light condition? Further, it is unclear what "sensed conditions" refers to. It is also unclear how the signal is functionally related to the ambient light conditions. That is, does the processor means determine an ambient light value from the signal?

In claims 6-8, it is unclear how the "signals" sent to the processor means are functionally related to the signal as claimed in claim 1. Furthermore, it is unclear if the signals (of claims 6-8) are compared or not. In addition, it is unclear how the "data" collected is functionally related to a moisture or an ambient light condition.

In claim 8, it is unclear in its given context how dark pixels functionally differ from normal pixels.

In claim 10, it is unclear how "a predetermined value", "a first predetermined value" and "a second predetermined value" are related. How many predetermined values are there?

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United

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States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

7. Claims 1-13, 15-20, as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Bos et al. (U.S. Patent 6,313,454).

Regarding claims 1-13 and 15-20, Bos et al. disclose (see Figure 6) an optical moisture detector and method for measuring ambient light conditions comprising: an optical moisture sensor (36) for sensing the presence of moisture on a moisture collecting surface, the sensor operable to emit a signal corresponding to sensed conditions; and a processor means (42, 54) for receiving the signal, for determining from the signal an absolute ambient light value corresponding to existing ambient light conditions, for comparing the value of to a predetermined value (threshold), and for emitting a control signal (below threshold) if the value is less than the predetermined value as a result of the comparison. The A/D converter of Bos et al. inherently acts as a timer means for disabling the processor means from comparing for a predetermined period of time. Bos et al. further disclose (see Figure 6) means responsive to the control signal for controlling (55) a light generating device (38). Bos et al. also disclose (see Figure 2b) the optical moisture sensor mounted with respect to a windshield of a motor vehicle. Furthermore, Bos et al. disclose (see Figure 7) an algorithm in which the sensor operates. A microprocessor is inherently operating the device in accordance with the algorithm. Bos et al. further disclose (see column 4, lines 47-48) a CCD or CMOS imaging array. Also, Bos et al. disclose (see Figure 7) collecting data from dark pixels (when light is "off") and from normal pixels (when light is "on") for processing.

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Lastly, Bos et al. further disclose (see Figure 7) comparing (230, 330) to a first and second threshold value for turning "on" and "off" a light generating device.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bos et al.

Regarding claim 14, Bos et al. do not specifically disclose the processor means comparing twice before sending a control signal. However, it is a matter of design choice the number of times a comparison is carried out. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide two successive comparisons in the device of Bos et al. to improve the accuracy and precision of the detection.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hochstein (U.S. Patent 6,207,967) and Michenfelder et al (U.S. Patent 6,376,824) disclose a similar moisture sensor sensing an ambient light level and issuing a control signal.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X. Luu whose telephone number is (703) 305-


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0539. The examiner can normally be reached on Monday-Friday from 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font, can be reached on (703) 308-4881. The fax phone number for the organization where the application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

txl  
May 9, 2002

  
Que T. Le  
Primary Examiner